

REMARKS

Claims 1-58 are pending. An Office Action mailed November 1, 2005 objected to Claims 38, 39, 48, 49, 57, and 58, and rejected Claims 1-37, 40-47, and 50-56. By way of this amendment, Applicant hereby amends Claims 1, 6, 7, 14, 16, 17, 27, 29, 30, 39, 40, 42, 43, 49, 50, 52, 53 and 58, cancels Claims 5, 28, 38, 41, 48, 51, and 57, and adds new Claims 59-61. Pursuant to 37 CFR 1.111, Applicant hereby respectfully requests reconsideration of the application.

REJECTION OF CLAIMS UNDER 35 USC 102

The Office Action rejected Claims 1, 5-8, 10, 12, 14-17, 21, 23, and 25 as being anticipated by Hennings. The Office Action states, "For claim 5, Hennings discloses initiating auto-recovery includes analyzing two or more auto-recovery routes relative to one or more of a terrain database, an airport database, and obstacles database, or a special-use airspace database (col 8, lns 31-38; col 9, lns 3-25)." With respect to the amendments to the independent claims, Applicant respectfully traverses this rejection.

Applicant submits that Hennings makes no mention of any analyzing of auto-recovery routes, nor of analyzing relative to one or more databases. Hennings states, "[the system] displays *a* weather re-route..." (col 89, lns 35-6; emphasis added); additionally, "Following *the* re-route..." (col 8, line 37; emphasis added). Hennings only contemplates one auto-recovery route, and therefore does not teach analyzing two or more auto-recovery routes. Also, Hennings states, "...the AGCAS actively takes control of the aircraft and performs a wings-level 5 "G" pull-up maneuver" (col 9 lns 7-8); and, "...causing the AGCAS system to perform an automatic wings-level 5 "G" pull-up" (col 9 lns 33-34). Again, there is no teaching or suggestion of multiple auto-recovery routes or analysis of the routes. Also, these passages highlight a shortcoming of the prior art which is addressed by the present invention, namely, that no matter

the situation, previous avoidance systems are predicated on the expectation of a single, limited response to a warning, which may not be the appropriate response in all situations.

For these reasons, Applicant submits that the subject matter of cancelled Claim 5 is not anticipated by the prior art, and amended Claim 1, containing the limitations of cancelled Claim 5, is not anticipated by the prior art, and is now in condition for allowance. Because amended Claims 6 and 7 and Claims 8, 10, and 12 depend from allowable independent Claim 1, they are allowable for the same reasons that make Claim 1 allowable.

With regard to amended Claim 14, Applicant has amended Claim 14 to include the limitations of cancelled Claim 15. The Office Action states, "For Claim 15, the Claim is interpreted and rejected for the same reasons as stated in the rejection of Claim 5 as stated above." Applicant respectfully submits that, for the same reasons as stated for cancelled Claim 5 above, cancelled Claim 15 is not anticipated by the prior art, and therefore amended independent Claim 14, containing the limitations of cancelled Claim 15, is not anticipated by the prior art and is now in condition for allowance. Because amended Claims 16-17 and Claims 21, 23, and 25 depend from allowable independent Claim 14, they are allowable for the same reasons that make Claim 1 allowable.

REJECTION OF CLAIMS UNDER 35 USC 103

The Office Action rejected Claims 2-4, 9, 11, 13, 18-20, 22, 24, 26-37, 40-47, and 50-52 under 35 USC 103 as being unpatentable over Hennings in view of various other pieces of prior art. With respect to the amendments to the independent claims, Applicant respectfully traverses this rejection.

Regarding Claims 2-4, 9, 11, and 13, these Claims depend from allowable independent Claim 1, and therefore are allowable for the same reasons that make Claim 1 allowable.

Regarding Claims 18-20, 22, 24, and 26, these Claims depend from allowable independent Claim 14, and therefore are allowable for the same reasons that make Claim 14 allowable.

Regarding amended independent Claim 27, applicant has amended Claim 27 to include the limitations of cancelled Claim 28. The Office Action states, "For Claim 28, the Claim is interpreted and rejected for the same reasons as stated in the rejection of Claim 5 as stated above." Applicant respectfully submits that, for the same reasons as stated for cancelled Claim 5 above, cancelled Claim 28 is not anticipated by the prior art, and that therefore amended independent Claim 27, containing the limitations of cancelled Claim 28, is not anticipated by the prior art and is now in condition for allowance. Because amended Claims 29-30 and Claims 31-37 depend from allowable independent Claim 27, they are allowable for the same reasons that make independent Claim 27 allowable.

Regarding amended independent Claim 40, Applicant has amended independent Claim 40 to include the limitations of cancelled Claim 41. The Office Action states, "For Claim 41, the claim is interpreted and rejected for the same reasons as stated in the rejection of Claim 5 as stated above." Applicant respectfully submits that, for the same reasons as stated for cancelled Claim 5 above, cancelled Claim 41 is not anticipated by the prior art, and that therefore amended independent Claim 40, containing the limitations of cancelled Claim 41, is not anticipated by the prior art and is now in condition for allowance. Because amended Claims 42-43 and Claims 44-47 depend from allowable independent Claim 40, they are allowable for the same reasons that make independent Claim 40 allowable.

Regarding amended independent Claim 50, applicant has amended independent Claim 50 to include the limitations of cancelled Claim 51. The Office Action states, "For Claim 51, the Claim is interpreted and rejected for the same reasons as stated in the rejection of Claim 5 as stated above." Applicant respectfully submits that, for the same reasons as stated for cancelled Claim 5 above, cancelled Claim 51 is not anticipated by the prior art, and that therefore amended independent Claim 50, containing the limitations of cancelled Claim 51, is not anticipated by the prior art and is now in condition for allowance. Because amended Claims 52-53 and Claims 54-

56 depend from allowable independent Claim 50, they are allowable for the same reasons that make independent Claim 50 allowable.

NEW CLAIMS

With regard to new Claim 59, Applicant has combined the subject matter of Claims 38 and 27. Therefore, because new Claim 59 includes subject matter that was rejected as being dependent upon a rejected base claim, Claim 59 is allowable.

With regard to new Claim 60, Applicant has combined the subject matter of Claims 48 and 40. Therefore, because new Claim 60 includes subject matter that was rejected as being dependent upon a rejected base claim, Claim 60 is allowable.

With regard to new Claim 61, Applicant has combined the subject matter of Claims 57 and 50. Therefore, because new Claim 61 includes subject matter that was rejected as being dependent upon a rejected base claim, Claim 61 is allowable.

CONCLUSION

With the amendments set for above, all of the remaining claims stand in condition for allowance, should the Examiner have any questions, the Applicant requests that the Examiner contact the Applicant's attorney at the address and telephone numbers set forth above

Respectfully submitted,

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MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

12/23/05

Date of Deposit



Michelle J. Carmant